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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,252	04/18/2001	Osamu Itokawa	862.C2203	6065
5514	7590	10/05/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CZEKAJ, DAVID J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/836,252	ITOKAWA, OSAMU	
	Examiner Dave Czekaj	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1,2,4-8,10,11,13-17 and 19 is/are rejected.
- 7) Claim(s) 3,9,12,18 and 20-35 is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 April 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	6) <input type="checkbox"/> Other: ____.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 10, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kageyama et al. (6594442), (hereinafter referred to as "Kageyama").

Regarding claims 1, 10, and 19, Kageyama discloses an apparatus that relates to video, still and audio data (Kageyama: column 1, lines 10-15). This apparatus comprises "buffering means for buffering the input signal" (Kageyama: figure 5, item 53), "decoding means for readout out the signal from the buffer, decoding the input signal, and writing the decoded data in a predetermined memory" (Kageyama: figure 5, item 55, wherein the predetermined memory is the re-order buffer), "output means for outputting the decoded data from the memory" (Kageyama: figure 5, wherein the output means is the switch which selectively outputs data from the memory), and "control means for controlling the buffering and decoding on the basis of the time management information" (Kageyama: column 4, lines 1-22, wherein the time management information is the STC, SCR, and DTS).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4-5, 8, 11, 13-14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (6594442), (hereinafter referred to as "Kageyama") in view of Kutner et al. (6246720), (hereinafter referred to as "Kutner").

Regarding claims 2, 8, 11, and 17, note the examiners rejection for claim 1, and in addition, claims 2, 8, 11, and 17 differ from claim 1 in that claims 2, 8, 11, and 17 further require outputting data on the basis of a comparison of time limits. Kutner teaches that real-time consistent output can be obtained by outputting data when a time reaches a limit even before processing ends (Kutner: column 7, lines 7-23, column 11, lines 44-59, wherein the processing is the processing time, the limit time is the delay time, which outputs all data decoded when the processing time expires). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kageyama and add the processing taught by Kutner in order to obtain an apparatus that operates more efficiently by being able to maintain a consistent output stream.

Regarding claims 4-5, 7, 13-14, and 16, although not disclosed, it would have been obvious to have the priority of the tile be high near the center of the

screen (Official Notice). Doing so would have been obvious since information placed in the center of the screen is directly viewable by a user.

5. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kageyama et al. (6594442), (hereinafter referred to as "Kageyama") in view of Kutner et al. (6246720), (hereinafter referred to as "Kutner") in further view of Agarwal (5758092).

Regarding claims 6 and 15, note the examiners rejection for claim 2, and in addition, claims 6 and 15 differ from claim 2 in that claims 6 and 15 further require the priority to change from frame to frame. Agarwal teaches that having different priorities between different frames produces video of a higher quality (Agarwal: column 14, lines 10-15). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Kageyama, add the processing taught by Kutner, and add the priority taught by Agarwal in order to obtain an apparatus that produces video of the highest possible quality.

#### ***Allowable Subject Matter***

7. Claims 3, 9, 12, 18, and 20-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As for claims 3, 9, 12, and 18, the prior art of record failed to disclose when time reaches a limit before processing ends, checking a quality/size, and if the result is not higher than a predetermined threshold, adding time to the current data and discarding the next data. A search was conducted which failed to yield any prior art. Therefore, the prior art fails

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to teach or render obvious these limitations taken within the others in the claim. Claims 20-35 are indicated as allowable since they depend from one of claims 3, 9, 12, and 18.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-5758011	05-1998	Fujinami, Yasushi
US-6052205	04-2000	Matsuura, Nekka
US-6118821	09-2000	Matsumoto et al.
US-6307899	10-2001	Starr et al.
US-6549666	04-2003	Schwartz, Edward L.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC

  
VU LE  
PRIMARY EXAMINER